

Order 2011-12-10



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 16th day of December, 2011

Served: December 16, 2011

In the matter of

**The European Union Emissions Trading
Scheme (ETS)**

**Reporting requirement pursuant to
49 USC 41708(b)(1)(A) – EU Air
Carriers**

Docket OST-2011-0230

ORDER

Under its Emissions Trading Scheme (ETS), the European Union (EU) plans to begin capping carbon dioxide (CO₂) emissions for aviation activities, starting January 1, 2012, at levels below a 2004-2006 baseline.¹ Under the scheme, each covered airline and other civil aircraft operator must surrender ETS allowances for the total CO₂ emissions associated with all flights operated within, to, and from EU Member States, Norway, Iceland, and Liechtenstein.

The U.S. Government continues to strongly object to the inclusion of U.S. aircraft operators under the EU legislation on legal and policy grounds, including under provisions of the U.S.-EU Air Transport Agreement. Nevertheless, as of now, the EU maintains that U.S. operators remain subject to the scheme.

The Department will now seek certain information related to ETS.

We, therefore, direct the foreign air carriers named in this order to report the information detailed in the Appendix.

If a carrier believes that any of the required data are commercially sensitive and should be withheld from public disclosure, it may file a motion under 14 CFR §302.12.

The foreign air carriers subject to this order are:

¹ Directive 2008/101/EC.

Aer Lingus Limited
Alitalia - Compagnia Aerea Italiana S.p.A
British Airways PLC
Deutsche Lufthansa AG
Iberia Lineas Aereas de Espana Sociedad Anonima Operadora
KLM Royal Dutch Airlines, N.V
Scandinavian Airlines System
Societe Air France
Virgin Atlantic Airways Limited

Each foreign air carrier subject to this order shall submit the required information electronically, via email, to Paul Gretch, Director, Office of International Aviation, at the following email address: Paul.Gretch@dot.gov. Each carrier shall submit the required information by the dates specified in the Appendix.

ACCORDINGLY,

1. Under the provisions of 49 USC 41708(b)(1)(A), we direct Aer Lingus Limited; Alitalia - Compagnia Aerea Italiana S.p.A; British Airways PLC; Deutsche Lufthansa AG; Iberia Lineas Aereas de Espana Sociedad Anonima Operadora; KLM Royal Dutch Airlines, N.V; Scandinavian Airlines System; Societe Air France; and Virgin Atlantic Airways Limited to submit reports in the form and manner described in this order;
2. Each carrier shall submit the required information by the dates specified in the Appendix; and
3. We will serve this order on Aer Lingus Limited; Alitalia - Compagnia Aerea Italiana S.p.A; British Airways PLC; Deutsche Lufthansa AG; Iberia Lineas Aereas de Espana Sociedad Anonima Operadora; KLM Royal Dutch Airlines, N.V; Scandinavian Airlines System; Societe Air France; and Virgin Atlantic Airways Limited; the U.S. Department of State (Office of Transportation Affairs); and the Federal Aviation Administration.

By:

SUSAN L. KURLAND
Assistant Secretary for
Aviation and International Affairs

(SEAL)

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<http://www.regulations.gov>

APPENDIX

DATA	REPORTING DATE
1) Free 2012 allowances allocated	January 31, 2012
2) Free 2012 allowances received, if different from 1) (If not different, so advise.)	March 31, 2012
3) 2010 revenue tonne kilometers reported to administering state	January 31, 2012
4) 2010 revenue tonne kilometers operated on flights between U.S. points and points in the EU, Norway, Iceland, and Liechtenstein	January 31, 2012